

KEVIN D. MALECEK
President of Council

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Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
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DAVID M. FIEBIG
FRANK A. GERMANO
RAYMOND C. SOMICH

ORDINANCE NO. 2009-7

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SODIUM CHLORIDE (ROCK SALT) REQUIREMENTS FOR THE 2009-2010 WINTER SEASON AND DECLARING AN EMERGENCY.

WHEREAS, Section 5513.01(B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles; and

WHEREAS, the City desires to participate in the Ohio Department of Transportation's Participation Agreement Contract for Sodium Chloride.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. To participate in the Ohio Department of Transportation's Contract for Sodium Chloride the City of Willoughby Hills agrees:

1. To purchase an estimated salt tonnage, indicated below, exclusively from the vendor awarded the rock salt contract for the county in which said political subdivision is located;
2. To be bound by the terms and conditions of the contract;
3. To be responsible for payment directly to the vendor for the quantities purchased under the contract;
4. To be responsible for resolving disputes arising out of participation in the contract and, to the extent allowable under Ohio law, hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in the contract pursuant to Ohio Revised Code Section 5513.01(b).

MINIMUM ORDER = 1 TRUCKLOAD/22 TONS WITHOUT PILER OR 200 TONS WITH PILER

STOCKPILE LOCATIONS	STOCKPILE CAPACITY	TONS REQUIRED (Estimated)
35405 Chardon Road Willoughby Hills, Ohio 44094	1000 Ton	4,500 Tons

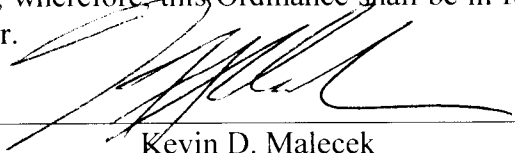
SECTION 2. The Mayor is hereby authorized and directed to enter into a participation contract with The Ohio Department of Transportation, 1980 W. Broad Street, Columbus, Ohio 43223, substantially pursuant to the terms and conditions as identified in the Ohio Department of Transportation, Office of Contracts, Purchasing Services Sodium Chloride (Rock Salt) Contract 18, attached hereto as "Exhibit A", consisting of (2) pages and incorporated herein by reference, in order to secure the City's Sodium Chloride requirements, effective period being twelve months from date of award, inclusive.

SECTION 3. The Mayor is hereby authorized and directed to pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Willoughby Hills participates for items it receives pursuant to the contract.

SECTION 4. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

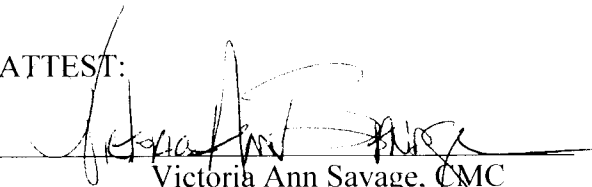
SECTION 5. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the Service Department; to wit: all agreements must be received by the Ohio Department of Transportation prior to **March 25, 2009** to allow the office sufficient time to add the City's requirements to their bidding documents; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

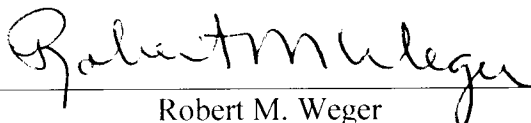
PASSED: March 12, 2009


Kevin D. Malecek
President of Council

Submitted to the Mayor for his approval
on this 12 day of March, 2009

Approved by the Mayor
March 12, 2009

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council


Robert M. Weger
Mayor